

Emergency Rule
LSA Document #18-152(E)

DIGEST

Temporarily adds provisions to exempt licensure requirements under [IC 14-28-1](#) and [312 IAC 10](#) to facilitate the repair or reconstruction of bridges and culvert crossings and the stabilization and repair of unstable stream banks. This rule does not affect additional permits or approvals that may be required by other federal, state, or local regulatory agencies. Effective March 14, 2018.

SECTION 1. (a) This document applies to the following activities:

- (1) The repair or reconstruction of bridge and culvert crossings.**
- (2) The stabilization and repair of unstable stream banks.**

(b) Application of this rule [document] is limited to work within a county for which a state declaration of a Disaster Emergency was issued between February 24, 2018, and March 31, 2018.

(c) A project authorized under this document must be completed before March 14, 2019, unless written approval is obtained from the department of natural resources for an extension of time to complete the project commenced under this document.

(d) Upon completion of a project commenced under this document, the project manager must submit:

- (1) a site location map;**
- (2) a brief description of the scope of the work;**
- (3) photographs of the completed project;**
- (4) final elevation data, if established; and**
- (5) a copy of a survey, if completed;**

to Jon Eggen, Compliance Section Manager, DNR – Division of Water, 402 W. Washington St., Room W264, Indianapolis, IN 46204 or jeggen@dnr.in.gov.

SECTION 2. The repair or reconstruction of a bridge or culvert crossing or stabilization and repair of unstable stream banks pursuant to this document may not be conducted within:

- (1) a salmonid stream designated under [IC 14-25-15-7\(b\)](#), without the prior written consent of the department's division of fish and wildlife; or**
- (2) a natural, scenic, or recreational river or stream designated under [312 IAC 7-2](#).**

SECTION 3. Repair or reconstruction of a bridge or culvert crossing performed under the exception to the licensure requirements of [IC 14-28-1](#) and [312 IAC 10](#) is permitted if the following are met:

- (1) The waterway opening of the repaired or replacement bridge or culvert crossing must be made no smaller and no less effective than before the damage occurred.**
- (2) The top of the road profile of the repaired or replacement bridge or culvert crossing must be made no higher than the top of the road profile before the damage occurred.**
- (3) Appropriate sediment control measures must be installed to prevent the flow of sediment laden water back into the waterway.**
- (4) Within fifteen (15) days of completion of the repair or replacement, all bare and disturbed areas must be revegetated with a mixture of grasses and legumes. Tall fescue must not be used under this subdivision, except that low endophyte tall fescue may be used in the bottom of the waterway and on side slopes.**

SECTION 4. The stabilization and reconstruction of unstable stream banks are exempt from the licensure requirements, under [IC 14-28-1](#) and [312 IAC 10](#), if the following conditions are met:

(1) Except as described in subsection two (2) of this SECTION [subdivision (2)], the following best management practices must be used to stabilize and repair unstable stream banks:

- (A) Live stakes.**
- (B) Live fascines.**
- (C) Branch packings.**
- (D) Tree revetments.**
- (E) Brush mattress.**
- (F) Vegetative geogrids.**

- (G) Live cribwalls.
- (2) The following best management practices may be used to stabilize and repair unstable stream banks if the best management practice was previously authorized for the project site under a permit issued by the department or was in place at the project site prior to January 1, 1973:
 - (A) A-jacks.
 - (B) Stone riprap.
 - (C) Concrete retaining wall.
 - (D) Timber retaining wall.
 - (E) Sheet pile retaining wall.
 - (F) Composite retaining wall.
- (3) Natural backfill materials may be used in conjunction with the best management practices described in subsections (1) and (2) [subdivisions (1) and (2)].
- (4) The following materials must not be used in the floodway:
 - (A) Broken concrete;
 - (B) Asphalt;
 - (C) Bricks;
 - (D) Cinder blocks;
 - (E) Construction debris; or
 - (F) Trash.
- (5) The repaired area must conform to the contours that existed before the stream bank became unstable.
- (6) The repaired area must conform to the existing bank at the upstream and downstream limits of the project site.
- (7) The repaired area must not be raised higher than the top of bank elevations that existed before the stream bank became unstable.
- (8) To prevent the flow of sediment laden water back into the waterway, appropriate sediment control measures must be installed.
- (9) Within fifteen (15) days of completion of repair, all bare and disturbed areas must be revegetated with a mixture of grasses and legumes. Tall fescue must not be used under this subdivision, except that low endophyte tall fescue may be used in the bottom of the waterway and on side slopes.
- (10) Except as provided in this subdivision, felled trees, brush, and other debris must not be left in the floodway.

SECTION 5. This document becomes effective March 14, 2018.

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Filed with Publisher: March 14, 2018, 12:49 p.m.

Posted: 03/21/2018 by Legislative Services Agency

An [html](#) version of this document.